

117TH CONGRESS
2D SESSION

H. R. 9626

To require an independent report on Department of Defense practices for distinguishing between combatants and civilians in United States military operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2022

Mr. KHANNA (for himself, Mr. CROW, Mr. MALINOWSKI, and Ms. JACOBS of California) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require an independent report on Department of Defense practices for distinguishing between combatants and civilians in United States military operations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Report on DoD Prac-
5 tices to Distinguish Between Civilians and Combatants
6 Act of 2022”.

1 **SEC. 2. REPORT ON DEPARTMENT OF DEFENSE PRACTICES**
2 **REGARDING DISTINCTION BETWEEN COM-**
3 **BATANTS AND CIVILIANS IN UNITED STATES**
4 **MILITARY OPERATIONS.**

5 (a) REPORT.—The Secretary of Defense shall seek to
6 enter into an agreement with a federally funded research
7 and development center to prepare an independent report
8 on Department of Defense practices regarding distin-
9 guishing between combatants and civilians in United
10 States military operations.

11 (b) ELEMENTS.—The report required under sub-
12 section (a) shall include the following matters:

13 (1) A description of how the Department of De-
14 fense and individual members of the Armed Forces
15 have differentiated between combatants and civilians
16 in both ground and air operations since 2001, in-
17 cluding in Afghanistan, Iraq, Syria, Somalia, Libya,
18 and Yemen, including—

19 (A) relevant policy and legal standards and
20 how these standards were implemented in prac-
21 tice;

22 (B) target engagement criteria; and

23 (C) whether military-aged males were pre-
24 sumptively targetable.

25 (2) A description of how the Department of De-
26 fense has differentiated between combatants and ci-

1 vilians when assessing allegations of civilian casual-
2 ties since 2001, including in Afghanistan, Iraq,
3 Syria, Somalia, Libya, and Yemen, including—

4 (A) relevant policy and legal standards and
5 the factual indicators these standards were ap-
6 plied to in assessing claims of civilian casual-
7 ties; and

8 (B) any other matters the Secretary of De-
9 fense determines appropriate.

10 (c) SUBMISSION OF REPORT.—Not later than one
11 year after the date of the enactment of this Act, the Sec-
12 retary of Defense shall submit to the congressional defense
13 committees a report setting forth an unaltered copy of the
14 assessment under this section, together with the views of
15 the Secretary on the assessment.

16 (d) DEFINITION OF UNITED STATES MILITARY OP-
17 ERATION.—In this section, the term “United States mili-
18 tary operations” includes any mission, strike, engagement,
19 raid, or incident involving United States Armed Forces.

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